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October 9, 2009 9:24 AM CST

Getting the maximum ROI from the initial client interview

by [Michelle Lore](#) Associate Editor

Editor's note: This article is the first part in a two-part series on client interviews. Next week: screening clients.

Should you charge potential new clients for the initial meeting? How much? Should you meet with them in person or is a phone interview sufficient? When should you decline representation?

Attorneys handle consultations with potential clients in a variety of ways, with most using that initial contact as an opportunity to evaluate whether they want to represent the person — even if they have a good case.

"I find new clients interesting," said Virginia family law attorney Angela Sipila, who often conducts interviews on the phone before bringing the potential client in for a meeting. "I like to visit with them and find out who they are related to, what issues concern them and get the last-minute 'real issue' that they weren't consciously realizing was so important. If I have time, they can be here for hours."

To charge ...

A question most lawyers have struggled with at one time or another is whether to charge potential new clients for the initial meeting or to give a free consultation.

Minneapolis employment attorney Brian Cote said that he almost always charges potential clients a fee, in part because it's so time consuming to properly screen plaintiff's employment cases.

St. Paul family law attorney Dana McKenzie also charges for the initial meeting, primarily because the potential client receives a substantial amount of information and advice during the interview.

"That makes the meeting valuable for the [potential] client, whether that person goes on to hire us or someone else," she said.

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When Edina immigration attorney Robert Webber first opened his immigration law practice, he didn't charge potential clients, but has since changed his policy.

"If a prospective client is not willing to pay a consultation fee, then he is not taking the situation seriously," Webber said. "More importantly, I feel there is real value provided in the consultation ... and I think that value should be compensated."

Vincent Martin of Bloomington, also an immigration attorney, only recently started charging clients for the initial interview.

"I found that I was spending so much time giving away free advice that I didn't have enough time to work on my cases or properly follow up with good quality potential clients," he said.

Martin's decision has not hurt business. He said his calendar is full nearly five days a week with potential clients willing to pay to meet with him, and his conversion rate is higher than ever.

"It seems counterintuitive that by making it harder for someone to see me that this would result in more clients, but it has really just turned out to be a good screening mechanism that allows me to focus my efforts where it is

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most important — on my clients and good quality potential clients,” Martin said.

Many lawyers feel that charging for the initial interview is also a way to avoid clients not serious about hiring a lawyer or who are just shopping for the lawyer with the lowest price.

Hugo business and real estate attorney Adam Heaton said many “frugal” individuals simply seek out the attorney who will charge the least. He said that by insisting on an up-front retainer deposit, he is able to shield himself from many of these people, which he sees as an advantage.

“The potential clients that are fixated on cost above everything else are the potential clients I classify as the high-risk potential clients,” he said.

Consumer law attorney Sam Glover said he tried doing free consultations, but discovered that many potential clients would show up unprepared or not at all. “If they pay \$150 beforehand, they are virtually guaranteed to show up,” he said.

...or not to charge

Other lawyers make the strategic decision not to charge for that initial interview.

Minneapolis consumer law attorney Todd Murray has decided that not charging for the initial interview works best for him, in part because most of his clients are facing debt collection and are already unsure whether they can afford a lawyer. “I don’t want cost to be a deterrent for just sitting down with me,” he said.

Murray also views the initial interview as an opportunity to educate the prospective client about his services. He does, however, screen them by phone beforehand, trying to find and weed out those that “are just looking for free advice.”

Many criminal law attorneys also offer a free initial consultation, seeing it as a cost of doing business.

“I believe it’s the client’s opportunity to decide if he or she wants to hire me,” said Minneapolis criminal defense attorney Carolyn Agin Schmidt.

Mankato attorney Jason Kohlmeyer agreed. “I don’t think it’s fair to the client; they are really interviewing you as much as you are interviewing them,” he said.

Sipila doesn’t charge her clients for the initial face-to-face interview either because she considers it both a public service and a “loss leader” to get profitable cases in the door.

Some attorneys charge for the initial consultation in some circumstances, but not in others.

Heaton said that if a potential client was referred by a close friend, family member or valuable referral source, then he’ll spend more time on the initial interview without insisting on any money in advance. He does, however, make it clear that he won’t provide counseling or advice until the firm has been retained.

But if he learns through an initial telephone contact that the potential client is seeking help on a straightforward transactional matter, he generally insists on a retainer upfront. “In these situations, there really is no question about whether we can provide the client with what they need,” said Heaton.

For those that decide not to offer free initial meetings, the amount to charge can be another dilemma. Some go with a reduced hourly rate while others come up with a flat fee, which may or may not be nominal. Others stick with their normal hourly rate.

“I am a firm believer in protecting the nonlawyers’ perceived ‘value’ of an attorney’s time and therefore we do not even have a reduced rate in our system,” said Heaton.

In-person v. phone

Attorneys also differ on whether to conduct meetings with potential clients by phone or in person, although some do a combination of both — a brief phone interview followed by a face-to-face meeting. Many feel that clients should have the opportunity to meet their lawyer before making the hiring decision.

“I think clients should know who their lawyer is, and I need to meet my clients before I can be confident that I can represent them well,” said Glover.

Similarly, Martin said he always tries to get his immigration clients into the office. “I can’t convey the necessary

sincerity, interest, credibility, etc., in their case over the phone," he said.

Lawyers said that a face-to-face meeting is also an opportunity to evaluate the potential client and decide whether they want to take on the representation.

Schmidt said that after practicing for 19 years she usually knows very early on in an interview if she does not want to represent the person. "It can be a gut feeling, obvious personality conflict, and sometimes the nature of the case," she said.

Still, others prefer to do an evaluation over the phone or else simply let the potential client decide.

Because of the nature of his business law and real estate practice, Heaton conducts most of his potential client interviews by phone, unless there is reason to believe it will develop into more lucrative representation opportunities.

"A face-to-face meeting before we are retained is costly — in terms of time that would otherwise be used on direct/immediate revenue-generating tasks — so before I will consider it, I need to have a sense that the future value of the potential client would warrant an initial face-to-face meeting," Heaton told Minnesota Lawyer.

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